

BILL

ORIGINAL

YEAR

1 A bill to be entitled

2 An act relating to state financial matters; amending s.

3 11.243, F.S.; providing for the moneys collected from the

4 sale of the Florida Statutes or other publications to be

5 deposited in a specified trust fund; amending s. 11.513,

6 F.S.; requiring the Chief Justice of the Supreme Court to

7 develop program monitoring plans; requiring that

8 additional data be included in the plans for monitoring

9 major programs of state agencies and the judicial branch

10 and in the reviews of those programs; providing for the

11 Office of Program Policy Analysis and Government

12 Accountability to review agency and judicial branch

13 performance standards and report to the Governor, the

14 Legislature, and the Legislative Budget Commission;

15 amending s. 20.435, F.S.; revising a provision relating to

16 certain undisbursed balances of appropriations from the

17 Biomedical Research Trust Fund; amending s. 215.18, F.S.;

18 requiring that the Governor provide prior notice of

19 transfers between certain funds; amending s. 215.3206,

20 F.S.; replacing references to a 6-digit fund code in the

21 Florida Accounting Information Resource Subsystem with a

22 classification scheme consistent with the Department of

23 Financial Services' financial systems; amending s.

24 215.3208, F.S.; revising references to conform; amending

25 s. 215.35, F.S.; revising a provision relating to the

26 numbering of warrants issued by the Chief Financial

27 Officer; amending s. 215.422, F.S.; replacing a reference

28 to certain vouchers with the terms "invoice" or

29 "invoices"; clarifying that agencies or the judicial

BILL

ORIGINAL

YEAR

30 | branch record and approve certain invoices by a specified
 31 | date; revising provisions relating to the Department of
 32 | Financial Services' approval of payment of certain
 33 | invoices; providing that a vendor who does not submit the
 34 | appropriate federal taxpayer identification documentation
 35 | to the department will be deemed an error on the part of
 36 | the vendor; revising references to conform; amending s.
 37 | 215.97, F.S.; removing a reference to the appropriations
 38 | act in a provision relating to the purposes of the Florida
 39 | Single Audit Act; amending s. 216.011, F.S.; revising the
 40 | definition of "operating capital outlay"; defining the
 41 | terms "incurred obligation" and "salary rate reserve" for
 42 | purposes of state fiscal affairs, appropriations, and
 43 | budgets; amending s. 216.013, F.S.; revising requirements
 44 | for information regarding performance measures to be
 45 | included in the long-range program plans of state agencies
 46 | and the judicial branch; revising a provision relating to
 47 | making adjustments to long-range program plans; amending
 48 | s. 216.023, F.S.; revising certain requirements for
 49 | legislative budget requests; deleting a provision
 50 | requiring agencies to maintain a certain performance
 51 | accountability system and provide a list of performance
 52 | measures; deleting a provision relating to adjustments to
 53 | executive agency performance standards; deleting a
 54 | provision relating to adjustments to judicial branch
 55 | performance standards; amending s. 216.134, F.S.;
 56 | providing for the responsibility of presiding over
 57 | sessions of consensus estimating conferences; amending s.
 58 | 216.136, F.S.; revising provisions relating to the

BILL

ORIGINAL

YEAR

59 principals of consensus estimating conferences; revising
60 the duties of certain agencies relating to the Criminal
61 Justice Estimating Conference, the Social Services
62 Estimating Conference, and the Workforce Estimating
63 Conference; amending s. 216.177, F.S.; clarifying the
64 circumstances under which the Executive Office of the
65 Governor and the Chief Justice of the Supreme Court are
66 required to provide notice to the chair and vice chair of
67 the Legislative Budget Commission; amending s. 216.178,
68 F.S.; revising the date by which the Office of Planning
69 and Budgeting must produce a final budget report; amending
70 s. 216.181, F.S.; providing that amendments to certain
71 approved operating budgets are subject to objection
72 procedures; requiring that state agencies submit to the
73 chair and vice chair of the Legislative Budget Commission
74 a plan for allocating any lump-sum appropriation in a
75 budget amendment; creating s. 216.1811, F.S.; providing
76 requirements for the Governor and the Chief Financial
77 Officer relating to certain approved operating budgets for
78 the legislative branch and appropriations made to the
79 legislative branch; amending s. 216.1815, F.S.; revising
80 certain requirements for the performance standards
81 included in an amended operating budget plan and request
82 submitted to the Legislative Budget Commission; creating
83 s. 216.1827, F.S.; requiring that each state agency and
84 the judicial branch maintain a performance accountability
85 system; requiring agencies and the judicial branch to
86 submit specified information to the Executive Office of
87 the Governor and the Legislature or the Office of Program

BILL

ORIGINAL

YEAR

88 Policy Analysis and Government Accountability for review;
 89 providing guidelines for requests to delete or amend
 90 existing approved performance measures and standards;
 91 specifying authority of the Legislature relating to agency
 92 and judicial branch performance measures and standards;
 93 amending s. 216.292, F.S.; requiring that notice of
 94 changed conditions necessitating the budget action be
 95 provided to the Executive Office of the Governor and the
 96 legislative appropriations committees when funds are
 97 transferred between categories of appropriations or budget
 98 entities; requiring that such transfers be consistent with
 99 legislative policy and intent; providing that certain
 100 transfers between budget entities are subject to objection
 101 procedures; clarifying provisions authorizing certain
 102 transfers of appropriations from trust funds; providing
 103 that requirements of specified provisions relating to
 104 appropriations being nontransferable do not apply to
 105 legislative branch budgets; amending s. 216.301, F.S.;
 106 revising the requirements for undisbursed balances of
 107 appropriations; revising a procedure for identifying and
 108 paying incurred obligations; removing a provision relating
 109 to notification to retain certain balances from
 110 legislative budget entities; amending s. 252.37, F.S.;
 111 providing that a transfer of moneys with a budget
 112 amendment following a state of emergency is subject to
 113 approval by the Legislative Budget Commission; amending s.
 114 273.02, F.S.; revising a definition; requiring the Chief
 115 Financial Officer to establish certain requirements by
 116 rule relating to the recording and inventory of certain

	BILL	ORIGINAL	YEAR
--	------	----------	------

117	state-owned property; creating s. 273.025, F.S.; requiring		
118	the Chief Financial Officer to establish by rule certain		
119	requirements relating to the capitalization of certain		
120	property; amending s. 273.055, F.S.; revising		
121	responsibility for rules relating to maintaining records		
122	as to disposition of state-owned tangible personal		
123	property; revising a provision relating to use of moneys		
124	received from the disposition of state-owned tangible		
125	personal property; amending s. 274.02, F.S.; revising a		
126	definition; requiring the Chief Financial Officer to		
127	establish by rule requirements relating to the recording		
128	and inventory of certain property owned by local		
129	governments; amending s. 338.2216, F.S.; revising		
130	requirements relating to unexpended funds appropriated or		
131	provided for the Florida Turnpike Enterprise; amending s.		
132	1011.57, F.S.; revising requirements relating to		
133	unexpended funds appropriated to the Florida School for		
134	the Deaf and the Blind; repealing s. 215.29, F.S.,		
135	relating to the classification of Chief Financial		
136	Officer's warrants; providing effective dates.		
137			

138	Be It Enacted by the Legislature of the State of Florida:		
139			

140	Section 1. Subsection (3) of section 11.243, Florida		
141	Statutes, is amended to read:		

142	11.243 Publishing Florida Statutes; price, sale.--		
-----	--	--	--

143	(3) All moneys collected from the sale of the Florida		
144	Statutes or other publications shall be deposited in the <u>Grants</u>		
145	<u>and Donations Trust Fund within the Legislature</u> State Treasury		

BILL

ORIGINAL

YEAR

~~and credited to the appropriation for legislative expense.~~

Section 2. Subsections (2) and (3) of section 11.513, Florida Statutes, are amended, present subsections (5) and (6) of that section are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

11.513 Program evaluation and justification review.--

(2) A state agency's inspector general, internal auditor, or other person designated by the agency head or the Chief Justice of the Supreme Court shall develop, in consultation with the Office of Program Policy Analysis and Government Accountability, a plan for monitoring and reviewing the state agency's or the judicial branch's major programs to ensure that performance measures and standards, as well as baseline and previous-year performance data, are maintained and supported by agency records.

(3) The program evaluation and justification review shall be conducted on major programs, but may include other programs. The review shall be comprehensive in its scope but, at a minimum, must be conducted in such a manner as to specifically determine the following, and to consider and determine what changes, if any, are needed with respect thereto:

(a) The identifiable cost of each program.

(b) The specific purpose of each program, as well as the specific public benefit derived therefrom.

(c) Progress toward achieving the outputs and outcomes associated with each program.

(d) An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its

BILL

ORIGINAL

YEAR

projected outputs and outcomes, as defined in s. 216.011,
associated with each program.

(e) Alternate courses of action that would result in
administration of the same program in a more efficient or
effective manner. The courses of action to be considered must
include, but are not limited to:

1. Whether the program could be organized in a more
efficient and effective manner, whether the program's mission,
goals, or objectives should be redefined, or, when the state
agency cannot demonstrate that its efforts have had a positive
effect, whether the program should be reduced in size or
eliminated.

2. Whether the program could be administered more
efficiently or effectively to avoid duplication of activities and
ensure that activities are adequately coordinated.

3. Whether the program could be performed more efficiently
or more effectively by another unit of government or a private
entity, or whether a program performed by a private entity could
be performed more efficiently and effectively by a state agency.

4. When compared to costs, whether effectiveness warrants
elimination of the program or, if the program serves a limited
interest, whether it should be redesigned to require users to
finance program costs.

5. Whether the cost to administer the program exceeds
license and other fee revenues paid by those being regulated.

6. Whether other changes could improve the efficiency and
effectiveness of the program.

(f) The consequences of discontinuing such program. If any
discontinuation is recommended, such recommendation must be

BILL

ORIGINAL

YEAR

accompanied by a description of alternatives to implement such recommendation, including an implementation schedule for discontinuation and recommended procedures for assisting state agency employees affected by the discontinuation.

(g) Determination as to public policy, which may include recommendations as to whether it would be sound public policy to continue or discontinue funding the program, either in whole or in part, in the existing manner.

(h) Whether current performance measures and standards should be reviewed or amended to assist agencies' and the judicial branch's efforts in achieving outputs and outcome measures.

(i)~~(h)~~ Whether the information reported as part of the state's performance-based program budgeting system has relevance and utility for the evaluation of each program.

(j)~~(i)~~ Whether state agency management has established control systems sufficient to ensure that performance data are maintained and supported by state agency records and accurately presented in state agency performance reports.

(5) The Office of Program Policy Analysis and Government Accountability may perform evaluation and justification reviews when necessary and as directed by the Legislature in order to determine whether current agency and judicial branch performance measures and standards are adequate. Reports concerning the evaluation and review of agency performance measures and standards shall be submitted to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chair and vice chair of the Legislative Budget Commission.

BILL

ORIGINAL

YEAR

Section 3. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.--

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601. Funds shall be used for the purposes of the James and Esther King Biomedical Research Program as specified in ss. 215.5602 and 288.955. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund. The department may invest these funds independently through the Chief Financial Officer or may negotiate a trust agreement with the State Board of Administration for the investment management of any balance in the trust fund.

3. Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance of any appropriation from the Biomedical Research Trust Fund which is not disbursed but which is obligated pursuant to contract or committed to be expended may be carried forward ~~certified by the Governor~~ for up to 3 years following the effective date of the original appropriation.

4. The trust fund shall, unless terminated sooner, be terminated on July 1, 2008.

Section 4. Section 215.18, Florida Statutes, is amended to

BILL

ORIGINAL

YEAR

read:

215.18 Transfers between funds; limitation.--Whenever there exists in any fund provided for by s. 215.32 a deficiency which would render such fund insufficient to meet its just requirements, and there shall exist in the other funds in the State Treasury moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon. Any action proposed under this section is subject to the notice and objection procedures set forth in s. 216.177, and the Governor shall provide notice of such action at least 7 days prior to the effective date of the transfer of funds.

(1) Except as otherwise provided in s. 216.222(1)(a)2., the fund from which any money is temporarily transferred shall be repaid the amount transferred from it not later than the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the Governor.

(2) Notwithstanding subsection (1) and for the 2005-2006 fiscal year only, the repayment period for funds temporarily transferred in fiscal year 2004-2005 to meet deficiencies resulting from hurricanes striking this state in 2004 may be extended until grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are received. This subsection expires July 1, 2006.

Section 5. Subsections (2) and (4) of section 215.3206,

BILL

ORIGINAL

YEAR

Florida Statutes, are amended to read:

215.3206 Trust funds; termination or re-creation.--

(2) If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund shall be deposited into the General Revenue Fund. The agency or Chief Justice shall pay any outstanding debts of the trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the trust fund from the various state financial ~~accounting~~ systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities. No appropriation or budget amendment shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.

(4) For the purposes of this section, the Governor, Chief Justice, and agencies shall review the trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems by a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier. The Governor, Chief Justice, and agencies may also conduct their review and make recommendations concerning accounts within such trust funds.

Section 6. Subsection (1) and paragraph (a) of subsection (2) of section 215.3208, Florida Statutes, are amended to read:

215.3208 Trust funds; legislative review.--

(1) In order to implement s. 19(f), Art. III of the State

BILL

ORIGINAL

YEAR

Constitution, for the purpose of reviewing trust funds prior to their automatic termination pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the Legislature shall review all state trust funds at least once every 4 years. The schedule for such review may be included in the legislative budget instructions developed pursuant to the requirements of s. 216.023. The Legislature shall review trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems ~~by a unique 6 digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2 digit organization level 1, the 1 digit state fund type 2, and the first three digits of the fund identifier.~~ When a statutorily created trust fund that was in existence on November 4, 1992, has more than one fund 6-digit code in the financial systems, the Legislature may treat it as a single trust fund for the purposes of this section. The Legislature may also conduct its review concerning accounts within such trust funds.

(2)(a) When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the trust fund from the various state financial ~~accounting~~ systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.

Section 7. Section 215.35, Florida Statutes, is amended to read:

BILL

ORIGINAL

YEAR

215.35 State funds; warrants and their issuance.--All warrants issued by the Chief Financial Officer shall be numbered in a manner that uniquely identifies each warrant for audit and reconciliation purposes ~~chronological order commencing with number one in each fiscal year and each warrant shall refer to the Chief Financial Officer's voucher by the number thereof, which voucher shall also be numbered as above set forth.~~ Each warrant shall state the name of the payee thereof and the amount allowed, and said warrant shall be stated in words at length. No warrant shall issue until same has been authorized by an appropriation made by law but such warrant need not state or set forth such authorization. The Chief Financial Officer shall register and maintain a record of each warrant in his or her office. The record shall show the funds, accounts, purposes, and departments involved in the issuance of each warrant. In those instances where the expenditure of funds of regulatory boards or commissions has been provided for by laws other than the annual appropriations bill, warrants shall be issued upon requisition to the Chief Financial Officer by the governing body of such board or commission.

Section 8. Subsections (1) and (2), paragraphs (a) and (b) of subsection (3), and subsection (6) of section 215.422, Florida Statutes, are amended to read:

215.422 Payments, warrants, ~~vouchers,~~ and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.--

(1) ~~The voucher authorizing payment of~~ An invoice submitted to an agency of the state or the judicial branch, required by law to be filed with the Chief Financial Officer, shall be recorded

BILL

ORIGINAL

YEAR

378 | in the financial systems of the state, approved for payment by
 379 | the agency or the judicial branch, and filed with the Chief
 380 | Financial Officer not later than 20 days after receipt of the
 381 | invoice and receipt, inspection, and approval of the goods or
 382 | services, except that in the case of a bona fide dispute the
 383 | invoice recorded in the financial systems of the state ~~voucher~~
 384 | shall contain a statement of the dispute and authorize payment
 385 | only in the amount not disputed. The Chief Financial Officer may
 386 | establish dollar thresholds and other criteria for all invoices
 387 | and may delegate to a state agency or the judicial branch
 388 | responsibility for maintaining the official invoices ~~vouchers~~ and
 389 | documents for invoices which do not exceed the thresholds or
 390 | which meet the established criteria. Such records shall be
 391 | maintained in accordance with the requirements established by the
 392 | Secretary of State. The transmission of an approved invoice
 393 | recorded in the financial systems of the state ~~electronic payment~~
 394 | ~~request transmission~~ to the Chief Financial Officer shall
 395 | constitute filing of a request ~~voucher~~ for payment of invoices
 396 | for which the Chief Financial Officer has delegated to an agency
 397 | custody of official records. Approval and inspection of goods or
 398 | services shall take no longer than 5 working days unless the bid
 399 | specifications, purchase order, or contract specifies otherwise.
 400 | If an invoice ~~a voucher~~ filed within the 20-day period is
 401 | returned by the Department of Financial Services because of an
 402 | error, it shall nevertheless be deemed timely filed. The 20-day
 403 | filing requirement may be waived in whole or in part by the
 404 | Department of Financial Services on a showing of exceptional
 405 | circumstances in accordance with rules and regulations of the
 406 | department. For the purposes of determining the receipt of

BILL

ORIGINAL

YEAR

407 invoice date, the agency or the judicial branch is deemed to
408 receive an invoice on the date on which a proper invoice is first
409 received at the place designated by the agency or the judicial
410 branch. The agency or the judicial branch is deemed to receive an
411 invoice on the date of the invoice if the agency or the judicial
412 branch has failed to annotate the invoice with the date of
413 receipt at the time the agency or the judicial branch actually
414 received the invoice or failed at the time the order is placed or
415 contract made to designate a specific location to which the
416 invoice must be delivered.

417 (2) The Department of Financial Services shall approve
418 payment of an invoice no later than 10 days after the agency's
419 filing of the approved invoice ~~The warrant in payment of an~~
420 ~~invoice submitted to an agency of the state or the judicial~~
421 ~~branch shall be issued not later than 10 days after filing of the~~
422 ~~voucher authorizing payment.~~ However, this requirement may be
423 waived in whole or in part by the Department of Financial
424 Services on a showing of exceptional circumstances in accordance
425 with rules and regulations of the department. If the 10-day
426 period contains fewer than 6 working days, the Department of
427 Financial Services shall be deemed in compliance with this
428 subsection if the payment is approved ~~warrant is issued~~ within 6
429 working days without regard to the actual number of calendar
430 days. ~~For purposes of this section, a payment is deemed to be~~
431 ~~issued on the first working day that payment is available for~~
432 ~~delivery or mailing to the vendor.~~

433 (3)(a) Each agency of the state or the judicial branch
434 which is required by law to file invoices ~~vouchers~~ with the Chief
435 Financial Officer shall keep a record of the date of receipt of

BILL

ORIGINAL

YEAR

the invoice; dates of receipt, inspection, and approval of the goods or services; date of filing of the approved invoice ~~voucher~~; and date of issuance of the warrant in payment thereof. If the invoice ~~voucher~~ is not filed or the warrant is not issued within the time required, an explanation in writing by the agency head or the Chief Justice shall be submitted to the Department of Financial Services in a manner prescribed by it. Agencies and the judicial branch shall continue to deliver or mail state payments promptly.

(b) If a warrant in payment of an invoice is not issued within 40 days after receipt of the invoice and receipt, inspection, and approval of the goods and services, the agency or judicial branch shall pay to the vendor, in addition to the amount of the invoice, interest at a rate as established pursuant to s. 55.03(1) on the unpaid balance from the expiration of such 40-day period until such time as the warrant is issued to the vendor. Such interest shall be added to the invoice at the time of submission to the Chief Financial Officer for payment whenever possible. If addition of the interest penalty is not possible, the agency or judicial branch shall pay the interest penalty payment within 15 days after issuing the warrant. The provisions of this paragraph apply only to undisputed amounts for which payment has been authorized. Disputes shall be resolved in accordance with rules developed and adopted by the Chief Justice for the judicial branch, and rules adopted by the Department of Financial Services or in a formal administrative proceeding before an administrative law judge of the Division of Administrative Hearings for state agencies, provided that, for the purposes of ss. 120.569 and 120.57(1), no party to a dispute

BILL

ORIGINAL

YEAR

465 involving less than \$1,000 in interest penalties shall be deemed
 466 to be substantially affected by the dispute or to have a
 467 substantial interest in the decision resolving the dispute. In
 468 the case of an error on the part of the vendor, the 40-day period
 469 shall begin to run upon receipt by the agency or the judicial
 470 branch of a corrected invoice or other remedy of the error. For
 471 purposes of this section, the non-submittal of the appropriate
 472 federal taxpayer identification documentation to the Department
 473 of Financial Services by the vendor will be deemed an error on
 474 the part of the vendor and the vendor will be required to submit
 475 the appropriate federal taxpayer documentation in order to remedy
 476 the error. The provisions of this paragraph do not apply when the
 477 filing requirement under subsection (1) or subsection (2) has
 478 been waived in whole by the Department of Financial Services. The
 479 various state agencies and the judicial branch shall be
 480 responsible for initiating the penalty payments required by this
 481 subsection and shall use this subsection as authority to make
 482 such payments. The budget request submitted to the Legislature
 483 shall specifically disclose the amount of any interest paid by
 484 any agency or the judicial branch pursuant to this subsection.
 485 The temporary unavailability of funds to make a timely payment
 486 due for goods or services does not relieve an agency or the
 487 judicial branch from the obligation to pay interest penalties
 488 under this section.

489 (6) The Department of Financial Services shall monitor each
 490 agency's and the judicial branch's compliance with the time
 491 limits and interest penalty provisions of this section. The
 492 department shall provide a report to an agency or to the judicial
 493 branch if the department determines that the agency or the

BILL

ORIGINAL

YEAR

494 judicial branch has failed to maintain an acceptable rate of
 495 compliance with the time limits and interest penalty provisions
 496 of this section. The department shall establish criteria for
 497 determining acceptable rates of compliance. The report shall also
 498 include a list of late invoices ~~vouchers~~ or payments, the amount
 499 of interest owed or paid, and any corrective actions recommended.
 500 The department shall perform monitoring responsibilities,
 501 pursuant to this section, using the Department of Financial
 502 Services' financial systems ~~Management Services and Purchasing~~
 503 ~~Subsystem or the Florida Accounting Information Resource~~
 504 ~~Subsystem~~ provided in s. 215.94. Each agency and the judicial
 505 branch shall be responsible for the accuracy of information
 506 entered into the Department of Management Services' procurement
 507 system ~~Management Services and Purchasing Subsystem~~ and the
 508 Department of Financial Services' financial systems ~~Florida~~
 509 ~~Accounting Information Resource Subsystem~~ for use in this
 510 monitoring.

511 Section 9. Paragraph (d) of subsection (1) of section
 512 215.97, Florida Statutes, is amended to read:

513 215.97 Florida Single Audit Act.--

514 (1) The purposes of the section are to:

515 (d) Provide for identification of state financial
 516 assistance transactions in the ~~appropriations act~~, state
 517 accounting records, and recipient organization records.

518 Section 10. Effective upon this act becoming a law,
 519 paragraph (bb) of subsection (1) of section 216.011, Florida
 520 Statutes, is amended, and paragraphs (tt) and (uu) are added to
 521 that subsection, to read:

522 216.011 Definitions.--

BILL

ORIGINAL

YEAR

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(bb) "Operating capital outlay" means the appropriation category used to fund equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature under s. 273.025, ~~according to the value or cost specified in s. 273.02.~~

(tt) "Incurred obligation" means a legal obligation for goods or services that have been contracted for, referred to as an encumbrance in the state's financial system, or received or incurred by the state and referred to as a payable in the state's financial system.

(uu) "Salary rate reserve" means the withholding of a portion of the annual salary rate for a specific purpose.

Section 11. Paragraphs (h) through (k) are added to subsection (1) of section 216.013, Florida Statutes, and subsection (5) of that section is amended, to read:

216.013 Long-range program plan.--State agencies and the judicial branch shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plans shall be policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs.

(1) Long-range program plans shall provide the framework for the development of budget requests and shall identify or update:

(h) Legislatively approved output and outcome performance

BILL

ORIGINAL

YEAR

measures.

(i) Performance standards for each performance measure and justification for the standards and the sources of data to be used for measurement.

(j) Prior-year performance data on approved performance measures and an explanation of deviation from expected performance. Performance data must be assessed for reliability in accordance with s. 20.055.

(k) Proposed performance incentives and disincentives.

(5) ~~Following the adoption of the annual General Appropriations Act,~~ The state agencies and the judicial branch shall make appropriate adjustments to their long-range program plans, excluding adjustments to performance measures and standards, to be consistent with the appropriations ~~and performance measures~~ in the General Appropriations Act and legislation implementing the General Appropriations Act. Agencies and the judicial branch have 30 days subsequent to the effective date of the General Appropriations Act and implementing legislation ~~until June 30~~ to make adjustments to their plans as posted on their Internet websites.

Section 12. Paragraph (a) of subsection (4) and subsections (5), (6), and (8) of section 216.023, Florida Statutes, are amended, and subsections (7), (9), (10), (11), and (12) are renumbered as subsections (5), (6), (7), (8), and (9), respectively, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.--

(4) (a) The legislative budget request must contain for each program:

BILL

ORIGINAL

YEAR

581 1. The constitutional or statutory authority for a program,
582 a brief purpose statement, and approved program components.

583 2. Information on expenditures for 3 fiscal years (actual
584 prior-year expenditures, current-year estimated expenditures, and
585 agency budget requested expenditures for the next fiscal year) by
586 appropriation category.

587 3. Details on trust funds and fees.

588 4. The total number of positions (authorized, fixed, and
589 requested).

590 5. An issue narrative describing and justifying changes in
591 amounts and positions requested for current and proposed programs
592 for the next fiscal year.

593 6. Information resource requests.

594 ~~7. Legislatively approved Output and outcome performance~~
595 ~~measures and any proposed revisions to measures.~~

596 ~~8. Proposed performance standards for each performance~~
597 ~~measure and justification for the standards and the sources of~~
598 ~~data to be used for measurement.~~

599 ~~9. Prior year performance data on approved performance~~
600 ~~measures and an explanation of deviation from expected~~
601 ~~performance. Performance data must be assessed for reliability in~~
602 ~~accordance with s. 20.055.~~

603 ~~10. Proposed performance incentives and disincentives.~~

604 7.11. Supporting information, including applicable cost-
605 benefit analyses, business case analyses, performance contracting
606 procedures, service comparisons, and impacts on performance
607 standards for any request to outsource or privatize agency
608 functions.

609 8.12. An evaluation of any major outsourcing and

BILL

ORIGINAL

YEAR

privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

~~(5) Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.~~

~~(6) Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Senate and the House of Representatives appropriations committees shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain the official record of adjustments to the performance standards. As used in this section, the term "official record" means the official compilation of information about state agency performance-based programs and measures, including approved~~

BILL

ORIGINAL

YEAR

~~programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.~~

~~(8) Annually, by June 30, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The Senate and the House of Representatives appropriations committees shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.~~

Section 13. Paragraph (a) of subsection (4) of section 216.134, Florida Statutes, is amended to read:

216.134 Consensus estimating conferences; general provisions.--

(4) Consensus estimating conferences are within the legislative branch. The membership of each consensus estimating conference consists of principals and participants.

(a) A person designated by law as a principal may preside over conference sessions, convene conference sessions, request information, specify topics to be included on the conference agenda, agree or withhold agreement on whether information is to be official information of the conference, release official information of the conference, interpret official information of the conference, and monitor errors in official information of the conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

BILL

ORIGINAL

YEAR

Section 14. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), paragraph (b) of subsection (3), paragraph (c) of subsection (4), subsections (5) through (7), paragraph (b) of subsection (8), paragraph (b) of subsection (9), and paragraph (b) of subsection (10) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(1) ECONOMIC ESTIMATING CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Economic Estimating Conference. ~~The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Demographic Estimating Conference. ~~The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(3) REVENUE ESTIMATING CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the

BILL

ORIGINAL

YEAR

principals of the Revenue Estimating Conference. ~~The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(4) EDUCATION ESTIMATING CONFERENCE.--

(c) Principals.--~~The Commissioner of Education, the~~ Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. ~~The Commissioner of Education or his or her designee shall preside over sessions of the conference.~~

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

(a) Duties.--The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions and population and of supervised felony offender admissions and population, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V of chapter 394.

3. Develop official information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring. ~~In addition, the Office of Economic and Demographic Research shall study the factors~~

BILL

ORIGINAL

YEAR

~~relating to the sentencing of sex offenders from the point of arrest through the imposition of sanctions by the sentencing court, including original charges, plea negotiations, trial dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the state attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006.~~

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of, ~~who have forecasting expertise, from the Senate and, the House of Representatives who have forecasting expertise, and the Supreme Court,~~ or their designees, are the principals of the Criminal Justice Estimating Conference. ~~The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

(a) Duties.--

1. The Social Services Estimating Conference shall develop such official information relating to the social services system of the state, including forecasts of social services caseloads, utilization, and expenditures, as the conference determines is needed for the state planning and budgeting system. Such official information shall include, but not be limited to, cash assistance and Medicaid caseloads.

2. The Social Services Estimating Conference shall develop information relating to the Florida Kidcare program, including, but not limited to, outreach impacts, enrollment, caseload,

BILL

ORIGINAL

YEAR

utilization, and expenditure information that the conference determines is needed to plan for and project future budgets and the drawdown of federal matching funds. ~~The agencies required to collect and analyze Florida Kidcare program data under s. 409.8134 shall be participants in the Social Services Estimating Conference for purposes of developing information relating to the Florida Kidcare program.~~

(b) Principals.--~~The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of who have forecasting expertise from the Department of Children and Family Services, the Agency for Health Care Administration, the Senate, and the House of Representatives who have forecasting expertise, or their designees, are the principals of the Social Services Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(7) WORKFORCE ESTIMATING CONFERENCE.--

(a) Duties.--

1. The Workforce Estimating Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus

BILL

ORIGINAL

YEAR

upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

2. The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.

~~3. During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference~~

BILL

ORIGINAL

YEAR

~~shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.~~

~~3.4.~~ Notwithstanding subparagraph ~~3.~~, The Workforce Estimating Conference, for the purposes described in subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February, and the second meeting shall be held in August. Other meetings may be scheduled as needed.

(b) Principals.--~~The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees,~~ and professional staff of ~~from~~ the Senate and the House of Representatives who have forecasting and substantive expertise, or their designees, are the principals of the Workforce Estimating Conference. ~~In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.~~

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator ~~Director~~ of the Office of Economic and Demographic Research, and professional staff of ~~who have forecasting expertise from the Agency for Workforce Innovation, the~~

BILL

ORIGINAL

YEAR

~~Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives~~ who have forecasting expertise, or their designees, are the principals of the Early Learning Programs Estimating Conference. ~~The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(9) SELF-INSURANCE ESTIMATING CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and the House of Representatives who have forecasting expertise ~~and substantive experience~~, or their designees, are the principals of the Self-Insurance Estimating Conference. ~~The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(10) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.--

(b) Principals.--The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting ~~and substantive~~ expertise, or their designees, are the principals of the Florida Retirement System Actuarial Assumption Conference. ~~The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants in the conference.~~

Section 15. Paragraph (a) of subsection (2) of section 216.177, Florida Statutes, is amended to read:

BILL

ORIGINAL

YEAR

216.177 Appropriations acts, statement of intent,
violation, notice, review and objection procedures.--

(2)(a) Whenever notice of action to be taken by the
Executive Office of the Governor or the Chief Justice of the
Supreme Court is required by law ~~this chapter~~, such notice shall
be given to the chair and vice chair of the Legislative Budget
Commission in writing, and shall be delivered at least 14 days
prior to the action referred to, unless a shorter period is
approved in writing by the chair and vice chair or a different
period is specified by law. If the action is solely for the
release of funds appropriated by the Legislature, the notice
shall be delivered at least 3 days before the effective date of
the action. Action shall not be taken on any budget item for
which this chapter requires notice to the Legislative Budget
Commission or the appropriations committees without such notice
having been provided, even though there may be good cause for
considering such item.

Section 16. Subsection (2) of section 216.178, Florida
Statutes, is amended to read:

216.178 General Appropriations Act; format; procedure.--

(2) The Office of Planning and Budgeting shall develop a
final budget report that reflects the net appropriations for each
budget item. The report shall reflect actual expenditures for
each of the 2 preceding fiscal years and the estimated
expenditures for the current fiscal year. In addition, the report
must contain the actual revenues and cash balances for the
preceding 2 fiscal years and the estimated revenues and cash
balances for the current fiscal year. The report may also contain
expenditure data, program objectives, and program measures for

	BILL	ORIGINAL	YEAR
--	------	----------	------

each state agency program. The report must be produced by October 30 ~~15~~ each year. A copy of the report must be made available to each member of the Legislature, to the head of each state agency, to the Auditor General, to the director of the Office of Program Policy Analysis and Government Accountability, and to the public.

Section 17. Subsections (3), (5), (6), and (11) of section 216.181, Florida Statutes, are amended to read:

216.181 Approved budgets for operations and fixed capital outlay.--

(3) All amendments to original approved operating budgets, regardless of funding source, are subject to the notice and objection ~~review~~ procedures set forth in s. 216.177.

(5) An amendment to the original operating budget for an information technology project or initiative that involves more than one agency, has an outcome that impacts another agency, or exceeds \$500,000 in total cost over a 1-year period, except for those projects that are a continuation of hardware or software maintenance or software licensing agreements, or that are for desktop replacement that is similar to the technology currently in use must be reviewed by the Technology Review Workgroup pursuant to s. 216.0446 and approved by the Executive Office of the Governor for the executive branch or by the Chief Justice for the judicial branch, and shall be subject to the notice and objection ~~review~~ procedures set forth in s. 216.177.

(6)(a) A detailed plan allocating a lump-sum appropriation to traditional appropriations categories shall be submitted by the affected agency to the Executive Office of the Governor or the Chief Justice of the Supreme Court. The Executive Office of the Governor and the Chief Justice of the Supreme Court shall

BILL

ORIGINAL

YEAR

submit such plan to the chair and vice chair of the Legislative Budget Commission either before or concurrent with the submission of any budget amendment that recommends the transfer and release of ~~may require the submission of a detailed plan from the agency or entity of the judicial branch affected, consistent with the General Appropriations Act, special appropriations acts, and statements of intent before transferring and releasing the~~ balance of a lump-sum appropriation.

(b) The Executive Office of the Governor and the Chief Justice of the Supreme Court may amend, without approval of the Legislative Budget Commission, state agency and judicial branch entity budgets, respectively, to reflect the transferred funds and to provide the associated increased salary rate based on the approved plans for lump-sum appropriations. Any action proposed pursuant to this paragraph is subject to the procedures set forth in s. 216.177.

The Executive Office of the Governor shall transmit to each state agency and the Chief Financial Officer, and the Chief Justice shall transmit to each judicial branch component and the Chief Financial Officer, any approved amendments to the approved operating budgets.

(8) As part of the approved operating budget, the Executive Office of the Governor shall furnish to each state agency, and the Chief Justice of the Supreme Court shall furnish to the entity of the judicial branch, an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary rate and shall be

BILL

ORIGINAL

YEAR

consistent with the General Appropriations Act or special appropriations acts. The annual salary rate shall be:

(a) Determined by the salary rate specified in the General Appropriations Act and adjusted for reorganizations authorized by law, for any other appropriations made by law, and, subject to s. 216.177, for distributions of lump-sum appropriations and administered funds and for actions that require authorization of salary rate from salary rate reserve and placement of salary rate in salary rate reserve.

(10) (a) The Legislative Budget Commission may authorize increases or decreases in the approved salary rate, except as authorized in s. 216.181(8)(a), for positions pursuant to the request of the agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent.

(11) The Executive Office of the Governor and the Chief Justice of the Supreme Court may approve changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget up to \$1 million only pursuant to the federal funds provisions of s. 216.212, when grants and donations are received after April 1, or when deemed necessary due to a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government. Changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget which are in excess of \$1 million may be approved only by the Legislative Budget Commission

BILL

ORIGINAL

YEAR

pursuant to the request of a state agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court. The provisions of this subsection are subject to the notice, ~~review~~, and objection procedures set forth in s. 216.177.

Section 18. Section 216.1811, Florida Statutes, is created to read:

216.1811 Approved operating budgets and appropriations for the legislative branch.--

(1) The Governor and the Chief Financial Officer shall each make changes to the original approved operating budgets for operational and fixed capital expenditures relating to the legislative branch as directed by the presiding officers of the legislative branch.

(2) The Governor and the Chief Financial Officer shall each ensure that any balances of appropriations made to the legislative branch are carried forward as directed by the presiding officers of the legislative branch.

Section 19. Paragraph (e) of subsection (2) of section 216.1815, Florida Statutes, is amended to read:

216.1815 Agency incentive and savings program.--

(2) To be eligible to retain funds, an agency or the Chief Justice of the Supreme Court must submit a plan and an associated request to amend its approved operating budget to the Legislative Budget Commission specifying:

(e) How the agency or the judicial branch will meet performance standards, including ~~established by the Legislature~~ and those in its long-range program plan; and

BILL

ORIGINAL

YEAR

1015 Section 20. Section 216.1827, Florida Statutes, is created
1016 to read:

1017 216.1827 Requirements for performance measures and
1018 standards.--

1019 (1) Agencies and the judicial branch shall maintain a
1020 comprehensive performance accountability system containing, at a
1021 minimum, a list of performance measures and standards that are
1022 adopted by the Legislature and subsequently amended pursuant to
1023 this section.

1024 (2)(a) Agencies and the judicial branch shall submit output
1025 and outcome measures and standards, as well as historical
1026 baseline and performance data, to the Executive Office of the
1027 Governor and the Legislature, under s. 216.013.

1028 (b) Agencies and the judicial branch shall also submit
1029 performance data, measures, and standards to the Office of
1030 Program Policy Analysis and Government Accountability upon
1031 request for review of the adequacy of the legislatively approved
1032 measures and standards.

1033 (3)(a) An agency may submit requests to delete or amend its
1034 existing approved performance measures and standards or submit
1035 requests to create additional performance measures and standards
1036 to the Executive Office of the Governor for review and approval.
1037 The request shall document the justification for the change and
1038 ensure that the revision, deletion, or addition is consistent
1039 with legislative intent. Revisions or deletions to, or additions
1040 of performance measures and standards approved by the Executive
1041 Office of the Governor are subject to the review and objection
1042 procedure set forth in s. 216.177.

1043 (b) The Chief Justice of the Supreme Court may submit

BILL

ORIGINAL

YEAR

1044 deletions or amendments of the judicial branch's existing
 1045 approved performance measures and standards or may submit
 1046 additional performance measures and standards to the Executive
 1047 Office of the Governor accompanied with justification for the
 1048 change and ensure that the revision, deletion, or addition is
 1049 consistent with legislative intent. Revisions or deletions to, or
 1050 additions of performance measures and standards submitted by the
 1051 Chief Justice of the Supreme Court are subject to the review and
 1052 objection procedure set forth in s. 216.177.

1053 (4) (a) The Legislature may create, amend and delete
 1054 performance measures and standards. The Legislature may confer
 1055 with the Executive Office of the Governor for state agencies and
 1056 the Chief Justice of the Supreme Court for the judicial branch
 1057 prior to any such action.

1058 (b) The Legislature may require state agencies to submit
 1059 requests for revisions, additions, or deletions to approved
 1060 performance measures and standards to the Executive Office of the
 1061 Governor for review and approval, subject to the review and
 1062 objection procedure set forth in s. 216.177.

1063 (c) The Legislature may require the judicial branch to
 1064 submit revisions, additions, or deletions to approved performance
 1065 measures and standards to the Executive Office of The Governor,
 1066 subject to the review and objection procedure set forth in s.
 1067 216.177.

1068 (d) Any new agency created by the Legislature is subject to
 1069 the initial performance measures and standards established by the
 1070 Legislature. The Legislature may require state agencies and the
 1071 judicial branch to provide any information necessary to create
 1072 initial performance measures and standards.

BILL

ORIGINAL

YEAR

1073 Section 21. Paragraph (a) of subsection (2), subsection
1074 (3), paragraph (b) of subsection (4), and subsection (5) of
1075 section 216.292, Florida Statutes, are amended, and subsection
1076 (7) is added to that section, to read:

1077 216.292 Appropriations nontransferable; exceptions.--

1078 (2) The following transfers are authorized to be made by
1079 the head of each department or the Chief Justice of the Supreme
1080 Court whenever it is deemed necessary by reason of changed
1081 conditions:

1082 (a) The transfer of appropriations funded from identical
1083 funding sources, except appropriations for fixed capital outlay,
1084 and the transfer of amounts included within the total original
1085 approved budget and plans of releases of appropriations as
1086 furnished pursuant to ss. 216.181 and 216.192, as follows:

1087 1. Between categories of appropriations within a budget
1088 entity, if no category of appropriation is increased or decreased
1089 by more than 5 percent of the original approved budget or
1090 \$250,000, whichever is greater, by all action taken under this
1091 subsection.

1092 2. Between budget entities within identical categories of
1093 appropriations, if no category of appropriation is increased or
1094 decreased by more than 5 percent of the original approved budget
1095 or \$250,000, whichever is greater, by all action taken under this
1096 subsection.

1097 3. Any agency exceeding salary rate established pursuant to
1098 s. 216.181(8) on June 30th of any fiscal year shall not be
1099 authorized to make transfers pursuant to subparagraphs 1. and 2.
1100 in the subsequent fiscal year.

1101 4. Notice of proposed transfers under subparagraphs 1. and

BILL

ORIGINAL

YEAR

2. and notice of the specific changed conditions necessitating the action shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 working days prior to agency implementation in order to provide an opportunity for review and objection. Such transfers must be consistent with legislative policy and intent and may not adversely affect achievement of approved performance outcomes or outputs in any program. ~~The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.~~

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection ~~review~~ provisions of s. 216.177:

(a) The transfer of appropriations for operations from trust funds in excess of those provided in subsection (2), up to \$1 million.

(b) The transfer of positions between budget entities.

(4) The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

(b) The transfer of appropriations for operations from trust funds in excess of those authorized ~~provided~~ in subsection (2) or subsection (3) ~~this section that exceed the greater of 5 percent of the original approved budget or \$1 million~~, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

BILL

ORIGINAL

YEAR

1131 (5) A transfer of funds may not result in the initiation of
1132 a fixed capital outlay project that has not received a specific
1133 legislative appropriation, except that federal funds for fixed
1134 capital outlay projects for the Department of Military Affairs,
1135 which do not carry a continuing commitment on future
1136 appropriations by the Legislature, may be approved by the
1137 Executive Office of the Governor for the purpose received,
1138 subject to the notice,~~review~~, and objection procedures set forth
1139 in s. 216.177.

1140 (7) The provisions of this section do not apply to the
1141 budgets for the legislative branch.

1142 Section 22. Effective upon this act becoming a law,
1143 subsections (1) and (3) and paragraph (a) of subsection (2) of
1144 section 216.301, Florida Statutes, as amended by section 40 of
1145 chapter 2005-152, Laws of Florida, are amended to read:

1146 216.301 Appropriations; undisbursed balances.--

1147 (1)(a) As of June 30th of each year, for appropriations for
1148 operations only, each department and the judicial branch shall
1149 identify in the state's financial system any incurred obligation
1150 which has not been disbursed, showing in detail the commitment or
1151 to whom obligated and the amounts of such commitments or
1152 obligations. Any appropriation not identified as an incurred
1153 obligation effective June 30th shall revert to the fund from
1154 which it was appropriated and shall be available for
1155 reappropriation by the Legislature.

1156 (b) The undisbursed release balance of any authorized
1157 appropriation, except an appropriation for fixed capital outlay,
1158 for any given fiscal year remaining on June 30 of the fiscal year
1159 shall be carried forward in an amount equal to the incurred

BILL

ORIGINAL

YEAR

obligations identified in paragraph (a). Any such incurred obligations remaining undisbursed on September 30 shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature. The Chief Financial Officer will monitor changes made to incurred obligations prior to the September 30 reversion to ensure generally accepted accounting procedures and legislative intent are followed.

(c) In the event an appropriate identification of an incurred obligation is not made and an incurred obligation is proven to be legal, due, and unpaid, then the incurred obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

~~(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. Any such encumbered balance remaining undisbursed on September 30 of the same calendar year in which such certification was made shall revert to the fund from which appropriated, except as provided in subsection (3), and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.~~

BILL

ORIGINAL

YEAR

1189 ~~(b) Any balance of any appropriation, except an~~
 1190 ~~appropriation for fixed capital outlay, for any given fiscal year~~
 1191 ~~remaining after charging against it any lawful expenditure shall~~
 1192 ~~revert to the fund from which appropriated and shall be available~~
 1193 ~~for reappropriation by the Legislature.~~

1194 (d)~~(e)~~ Each department and the judicial branch shall
 1195 maintain the integrity of the General Revenue Fund.
 1196 Appropriations from the General Revenue Fund contained in the
 1197 original approved budget may be transferred to the proper trust
 1198 fund for disbursement. Any reversion of appropriation balances
 1199 from programs which receive funding from the General Revenue Fund
 1200 and trust funds shall be transferred to the General Revenue Fund
 1201 within 15 days after such reversion, unless otherwise provided by
 1202 federal or state law, including the General Appropriations Act.
 1203 The Executive Office of the Governor or the Chief Justice of the
 1204 Supreme Court shall determine the state agency or judicial branch
 1205 programs which are subject to this paragraph. This determination
 1206 shall be subject to the legislative consultation and objection
 1207 process in this chapter. The Education Enhancement Trust Fund
 1208 shall not be subject to the provisions of this section.

1209 (2) (a) The balance of any appropriation for fixed capital
 1210 outlay which is not disbursed but expended, contracted, or
 1211 committed to be expended prior to February 1 of the second fiscal
 1212 year of the appropriation, or the third fiscal year if it is for
 1213 an educational facility as defined in chapter 1013 or for a
 1214 construction project of a state university, shall be certified by
 1215 the head of the affected state agency or the legislative or
 1216 judicial branch on February 1 to the Executive Office of the
 1217 Governor, showing in detail the commitment or to whom obligated

BILL

ORIGINAL

YEAR

1218 and the amount of the commitment or obligation. The Executive
1219 Office of the Governor for the executive branch and the Chief
1220 Justice for the judicial branch shall review and approve or
1221 disapprove, consistent with criteria jointly developed by the
1222 Executive Office of the Governor and the legislative
1223 appropriations committees, the continuation of such unexpended
1224 balances. The Executive Office of the Governor shall, no later
1225 than February 28 ~~20~~ of each year, furnish the Chief Financial
1226 Officer, the legislative appropriations committees, and the
1227 Auditor General a report listing in detail the items and amounts
1228 reverting under the authority of this subsection, including the
1229 fund to which reverted and the agency affected.

1230 ~~(3) The President of the Senate and the Speaker of the~~
1231 ~~House of Representatives may notify the Executive Office of the~~
1232 ~~Governor to retain certified forward balances from legislative~~
1233 ~~budget entities until June 30 of the following fiscal year.~~

1234 Section 23. Subsection (2) of section 252.37, Florida
1235 Statutes, is amended to read:

1236 252.37 Financing.--

1237 (2) It is the legislative intent that the first recourse be
1238 made to funds regularly appropriated to state and local agencies.
1239 If the Governor finds that the demands placed upon these funds in
1240 coping with a particular disaster declared by the Governor as a
1241 state of emergency are unreasonably great, she or he may make
1242 funds available by transferring and expending moneys appropriated
1243 for other purposes, by transferring and expending moneys out of
1244 any unappropriated surplus funds, or from the Budget
1245 Stabilization Fund. Following the expiration or termination of
1246 the state of emergency, the Governor may transfer moneys with a

BILL

ORIGINAL

YEAR

1247 budget amendment, subject to approval by the Legislative Budget
 1248 Commission, ~~process a budget amendment under the notice and~~
 1249 ~~review procedures set forth in s. 216.177 to transfer moneys to~~
 1250 satisfy the budget authority granted for such emergency.
 1251 Section 24. Section 273.02, Florida Statutes, is amended to
 1252 read:
 1253 273.02 Record and inventory of certain property.--The word
 1254 "property" as used in this section means equipment, fixtures, and
 1255 other tangible personal property of a nonconsumable and
 1256 nonexpendable nature. The Chief Financial Officer shall establish
 1257 by rule the requirements for the recording of property in the
 1258 state's financial systems and for the periodic review of property
 1259 for inventory purposes., the value or cost of which is \$1,000 or
 1260 more and the normal expected life of which is 1 year or more, and
 1261 hardback covered bound books that are circulated to students or
 1262 the general public, the value or cost of which is \$25 or more,
 1263 and hardback covered bound books, the value or cost of which is
 1264 \$250 or more. Each item of property which it is practicable to
 1265 identify by marking shall be marked in the manner required by the
 1266 Auditor General. Each custodian shall maintain an adequate record
 1267 of property in his or her custody, which record shall contain
 1268 such information as shall be required by the Auditor General.
 1269 Once each year, on July 1 or as soon thereafter as is
 1270 practicable, and whenever there is a change of custodian, each
 1271 custodian shall take an inventory of property in his or her
 1272 custody. The inventory shall be compared with the property
 1273 record, and all discrepancies shall be traced and reconciled. All
 1274 publicly supported libraries shall be exempt from marking
 1275 hardback covered bound books, as required by this section. The

BILL

ORIGINAL

YEAR

~~catalog and inventory control records maintained by each publicly supported library shall constitute the property record of hardback covered bound books with a value or cost of \$25 or more included in each publicly supported library collection and shall serve as a perpetual inventory in lieu of an annual physical inventory. All books identified by these records as missing shall be traced and reconciled, and the library inventory shall be adjusted accordingly.~~

Section 25. Section 273.025, Florida Statutes, is created to read:

273.025 Financial reporting for recorded property.--The Chief Financial Officer shall establish by rule the requirements for the capitalization of property that has been recorded in the state's financial systems.

Section 26. Subsections (2) and (5) of section 273.055, Florida Statutes, are amended to read:

273.055 Disposition of state-owned tangible personal property.--

(2) Custodians shall maintain records to identify each property item as to disposition. Such records shall comply with rules issued by the Chief Financial Officer ~~Auditor General~~.

(5) All moneys received from the disposition of state-owned tangible personal property or from any agreement entered into under this chapter must be retained by the custodian and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures, ~~and are appropriated for those purposes~~. The custodian shall maintain records of the accounts into which the money is deposited.

Section 27. Section 274.02, Florida Statutes, is amended to

BILL

ORIGINAL

YEAR

1305 read:

1306 274.02 Record and inventory of certain property.--

1307 (1) The word "property" as used in this section means
1308 fixtures and other tangible personal property of a nonconsumable
1309 nature ~~the value of which is \$1,000 or more and the normal~~
1310 ~~expected life of which is 1 year or more.~~

1311 (2) The Chief Financial Officer shall establish by rule the
1312 requirements for the recording of property and for the periodic
1313 review of property for inventory purposes. ~~Each item of property~~
1314 ~~which it is practicable to identify by marking shall be marked in~~
1315 ~~the manner required by the Auditor General. Each governmental~~
1316 ~~unit shall maintain an adequate record of its property, which~~
1317 ~~record shall contain such information as shall be required by the~~
1318 ~~Auditor General. Each governmental unit shall take an inventory~~
1319 ~~of its property in the custody of a custodian whenever there is a~~
1320 ~~change in such custodian. A complete physical inventory of all~~
1321 ~~property shall be taken annually, and the date inventoried shall~~
1322 ~~be entered on the property record. The inventory shall be~~
1323 ~~compared with the property record, and all discrepancies shall be~~
1324 ~~traced and reconciled.~~

1325 Section 28. Paragraph (b) of subsection (3) of section
1326 338.2216, Florida Statutes, is amended to read:

1327 338.2216 Florida Turnpike Enterprise; powers and
1328 authority.--

1329 (3)

1330 (b) Notwithstanding the provisions of s. 216.301 to the
1331 contrary and in accordance with s. 216.351, the Executive Office
1332 of the Governor shall, on July 1 of each year, certify forward
1333 all unexpended funds appropriated or provided pursuant to this

BILL

ORIGINAL

YEAR

section for the turnpike enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the original approved ~~total~~ operating budget as defined in s. 216.181(1) of the turnpike enterprise. Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds remaining undisbursed on September 30 ~~December 31~~ of each year shall be carried forward.

Section 29. Subsection (4) of section 1011.57, Florida Statutes, is amended to read:

1011.57 Florida School for the Deaf and the Blind; board of trustees; management flexibility.--

(4) Notwithstanding the provisions of s. 216.301 to the contrary, ~~the Executive Office of the Governor shall, on July 1 of each year, certify forward~~ all unexpended funds appropriated for the Florida School for the Deaf and the Blind. ~~The unexpended amounts in any fund~~ shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 30. Section 215.29, Florida Statutes, is repealed.

Section 31. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.